

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1512.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: January 13, 2000
DATE OF REPORT: January 28, 2000
REQUEST FOR RECONSIDERATION: yes
DATE OF CLOSURE: March 14, 2000

COMPLAINT ISSUES:

Whether the Lebanon Community School Corporation and the Boone-Clinton-Northwest Hendricks Joint Services violated:

- 511 IAC 7-10-3 with regard to the School's alleged failure to conduct an assistive technology evaluation and convene a case conference committee (CCC) meeting within forty instructional days of the date of parent consent for the evaluation; and
- 511 IAC 7-12-1(k) and 511 IAC 7-12-2(a)(2) with regard to the School's alleged failure to ensure that the CCC considered a placement for the Student in accordance with the requirement that the placement be in the least restrictive environment.

During the course of the investigation, an additional issue was identified, which is:

- 511 IAC 7-12-1(e)(1) with regard to the School's alleged failure to ensure a representative of the public agency attended a CCC meeting, other than the Student's teacher, who is qualified to provide or supervise the provision of special education and who has the authority to commit public agency resources.

FINDINGS OF FACT:

1. The Student is twelve years old and eligible for special education as a student with an orthopedic handicap, learning disability, and a visual impairment.
2. On October 14, 1999, the School received written parental consent for an assistive technology assessment to be completed. The assessment was completed on November 24, 1999. On December 7, 1999, the parent was informed by the School that School staff would like to schedule a CCC meeting to discuss the results of the assistive technology assessment on December 15, 1999. The parent indicated this date would not be convenient, and requested the conference be scheduled for another date. The School and the parent agreed to schedule the meeting for January 5, 2000. The Director states the School did not discuss with the parent that the evaluation and CCC meeting needed to be completed within forty instructional days from the date the parent gave written consent for the evaluation. The School Principal confirms this same information. The CCC meeting to discuss the assistive technology evaluation was convened on January 5, 2000.
3. At the CCC meeting of January 5, 2000, the issue of the Student's educational placement in the least restrictive environment was addressed. The CCC determined the Student should participate

in general education instruction for most of the instructional day, with special education instruction or related services provided in a resource room for part of the school day. The parent attended the CCC meeting and signed the IEP indicating agreement with the services recommended and giving permission for the plan to be implemented.

4. At the CCC meeting convened on January 5, 2000, the parent indicated she would like the Student to have a one-on-one instructional aide. The School Principal was identified as the CCC representative for the public agency with the authority to commit agency resources. At the CCC meeting the School Principal stated she could not commit to providing an aide without first discussing the situation with the School Superintendent. The School Principal stated she did have the authority to authorize the services agreed upon in the IEP developed on January 5, 2000, but did not have the authority to authorize a one-on-one instructional aide without obtaining the approval of the School Superintendent.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the School did attempt to convene the CCC meeting within the forty instructional days from the date the parent provided written consent for the evaluation. Therefore, no violation of 511 IAC 7-10-3 is found.
2. Finding of Fact #3 indicates the CCC addressed the Student's educational placement in the least restrictive environment at the CCC meeting convened on January 5, 2000. Therefore, no violation of 511 IAC 7-12-1(k) and 511 IAC 7-12-2(a)(2) is found.
3. Finding of Fact #4 reflects the representative of the public agency with the authority to commit public agency resources stated at the CCC meeting on January 5, 2000, that she could not approve a one-on-one instructional aide for the Student without first consulting with the School Superintendent. Therefore, a violation of 511 IAC 7-12-1(e)(1) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Lebanon Community School Corporation and the Boone-Clinton-Northwest Hendricks Joint Services shall:

1. In-service all appropriate staff concerning the role of the individual who serves as the representative of the public agency with the authority to commit public agency resources in accordance with 511 IAC 7-12-1(e)(1). Submit to the Division no later than February 22, 2000, a summary of what was discussed at the in-service, and a list (by name and title) of individuals who attended the in-service training.
2. Reconvene a CCC meeting to determine the need for a one-on-one instructional aide for the Student. A copy of the CCC Summary Report and any IEP developed at the meeting shall be submitted to the Division no later than March 3, 2000.

RECONSIDERATION:

Based on that review, there is no basis on which to amend the report. The original complaint investigation report remains unchanged and serves as the Division's final report.